

Interstate Compact for Juveniles

Rules Training for ICJ
Offices and Field Staff

Effective 1/1/2011

Introduction and History

- Original Juvenile Compact enacted in 1955
- New Juvenile Compact written in 2000, enacted in 2008
- Law in 47 states/territories with more to join
- Provides for the welfare and protection of juveniles and the public
- Is the only legal process for returning runaways
- Promotes public safety and ensures effective monitoring of juveniles moving across state lines

Why is there a need for an Interstate Compact?

- Due to variations in state laws, a person who is considered a juvenile in one state may not be considered a juvenile in another state
- A person's status as a juvenile is determined by the sending or demanding state
- The Supreme Court has ruled that compact law is special legislation and, as such, supersedes state law
[Virginia v West Virginia, 246 US 565(1918).]

List of Approved Forms

- Form I – Requisition for Runaway Juvenile
- Form II – Requisition for Escapee or Absconder/Juvenile Charged with Being Delinquent
- Form III – Consent for Voluntary Return by Runaway, Escapee or Absconder
- Form IV – Parole or Probation Investigation Request
- Form V – Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State
- Form IA/VI – Application for Compact Services/Memorandum of Understanding and Waiver
- Form VII – Travel Permit
- Form VIII – Home Evaluation
- Form IX – Quarterly Progress or Violation Report

Eligibility

- The Compact provides services for a juvenile who:
 - Runs away from home without the consent of a parent or legal guardian
 - Is placed on probation or parole and wants to transfer into another state
 - Absconds from probation/parole or escapes from an institution into another state
 - Is an accused delinquent, neglected, or dependent juvenile and runs away to another state

Definitions

- Juvenile: a person defined as a juvenile in any member state or by the rules of the Interstate Commission, including accused juvenile delinquents, adjudicated delinquents, accused status offenders, adjudicated status offenders, non-offenders, non-adjudicated juveniles, and non-delinquent juveniles
- Absconder: a juvenile probationer or parolee who hides, conceals, or absents him/herself with the intent to avoid legal process or authorized control
- Accused Delinquent: a person charged with an offense that, if committed by an adult, would be a criminal offense

Definitions (Continued)

- Juvenile Sex Offender: a juvenile having been adjudicated for an offense involving sex or of a sexual nature
- Adjudicated Delinquent: a person found to have committed an offense that, if committed by an adult, would be a criminal offense
- Non-Delinquent Juvenile: any person who has not been adjudged or adjudicated delinquent

Definitions (Continued)

- Escapee: juvenile who has made an unauthorized flight from a facility or agency's custody to which he has been committed by the court
- Runaway: a child under the juvenile jurisdictional age limit established by the state, who has run away from his/her place of residence, without the consent of the parent, guardian, person or agency entitled to his/her legal custody

Transfer of Supervision

ICJ Office

- Liaison on matters regarding the Compact processes
- Coordinates the supervision transfer of probation and parole across state lines
- Coordinates the return of runaways, escapees, absconders, and juveniles who have fled to avoid prosecution
- Provides notification of out of state travel

Processing Referrals

- No state shall permit the transfer of supervision except as provided by the compact and these rules
- The juvenile must be under supervision with:
 1. Plans to relocate for a period exceeding 90 consecutive days in a twelve month period; and
 2. More than 90 days of supervision remaining
- All cases being transferred to another state are pursuant to the ICJ
 - Except cases involving concurrent jurisdiction under the Interstate Compact on the Placement of Children, known as ICPC

Sending Probation Referrals

- ICJ Office will send referral documents within five (5) business days of receipt:
 - In duplicate
 - Electronic transfer if mutually agreed upon
- Include Forms IV, Form IA/VI, Order of adjudication and Disposition, Conditions of Probation and Petition, and/or Arrest Report(s)
 - Also attach duplicate copies (if available) of Legal and Social History
- Forward Form V to the receiving state if the juvenile is not already in placement

Transferring Juvenile Sex Offenders

- Juvenile sex offenders (JSOs) shall not travel to the receiving state until:
 - The sending state's request for transfer is approved; or
 - The receiving state issues reporting instructions
 - Unless an emergency exists as defined by Rule 4-103(2)
- Sending states must now provide the following additional documents in the referral packet for JSOs
 - The referral documents mandated by Rule 4-102(3)
 - Risk Assessment
 - Safety Plan Specific Assessments (if available)
 - Victim information, i.e., sex, age, relationship to the offender
 - Sending state's current or recommended Supervision and Treatment Plan
 - All other pertinent materials
 - Parole conditions upon the release of the juvenile from an institution

Home Evaluations - Overview

- The receiving state shall request its local offices to complete a home evaluation within thirty (30) calendar days of receipt of referral
- The receiving state forwards the Home Evaluation to the sending state within forty-five (45) calendar days
 - Use Form VIII: Home Evaluation Report
 - Must include a recommendation for acceptance or denial
- Home evaluations for juvenile sex offenders must comply with local policies/laws prior to issuing reporting instructions
 - The receiving state may deny placement if the proposed placement is unsuitable

Acceptance of Cases

- The receiving state shall accept supervision when:
 1. The juvenile has no custodial parent/legal guardian remaining in the sending state; and
 2. The juvenile does have a custodial parent/legal guardian residing in the receiving state
- If a legal custodian remains in the sending state and the placement fails, the sending state returns the juvenile within five (5) business days
- The sending state must provide reporting instructions within five (5) business days upon receipt of acceptance of supervision

Cooperative Supervision/Services Requirements

- Once the receiving state accepts supervision, it assumes the duties of visitation/supervision of juveniles under ICJ
 - The receiving state must follow same standards that prevail for its own juveniles under supervision
- Both the sending and receiving states have the authority to enforce the terms of supervision
 - May include imposing detention time
 - Costs incurred are the responsibility of the state seeking to impose enforcement sanctions

Progress Reports During Supervision

- Due to the sending state's ICJ office every 90 days
- The receiving state provides additional reports when:
 - Concerns arise over juvenile
 - A change in placement occurs
- Field staff should report violations to the ICJ office as soon as possible

Using Travel Permits

- Travel Permits may be issued for “appropriate purposes”
 - Travel Permits are not limited to testing a placement
 - Travel Permits are issued for a variety of appropriate reasons, i.e., medical care, family visits, and work
- Use Travel Permits for stays that exceeds forty-eight (48) hours
 - Include instructions for juvenile to return to the supervising state
 - Issue reporting instructions if the permit exceeds thirty (30) calendar days
 - Maximum length for all travel permits is ninety (90) calendar days
- Officer or court designee in the supervising state authorizes/denies out-of-state travel prior to movement

Reasons to Close a Case

- The receiving state may close the administration of an ICJ case when
 - The sending state fails to complete placement within ninety (90) calendar days following the acceptance of the case by the receiving state
 - The court order expires
 - The period of parole/probation expires
 - Exception occurs as cited in Rule 4-106 (1)
- The receiving state provides written notice to the sending state

Return of Juveniles

What Situations Require the Return of a Juvenile?

- Circumstances where:
 - A non-delinquent juvenile runs away
 - A juvenile is an escapee, absconder, or accused of being delinquent
 - A juvenile under supervision has a failed placement

Warrants

- All warrants must be entered into the National Crime Information Center (NCIC) in order for another state to pick up the juvenile
 - Holding state honors all warrants
 - The holding state's ICJ office must notify the home/demanding state within the next business day that a juvenile from their state is in custody
 - The demanding state has up to two (2) business days to decide to return the juvenile
- "No bond/bail warrants"
 - Juvenile remains in custodial detention regardless of individual state statute
 - Juvenile to be held in secure detention
 - Juvenile does have opportunity for a hearing in accordance with Rule 6-109

Voluntary Return of Out-of-State Juveniles

- When an out-of-state juvenile is found and detained:
 - The holding state's ICJ office will inform home state's ICJ office of the case
 - The home state's ICJ office determines the juvenile's residency/jurisdictional facts
 - At a hearing, the judge informs the juvenile of his/her rights using ICJ Juvenile Rights Form or other comparable form
 - The court may appoint counsel or guardian ad litem
 - If the juvenile agrees to return, the juvenile signs the Form III

Beginning Steps for All Non-voluntary Returns

- The appropriate person/authority in the home/demanding state shall prepare a written requisition within sixty (60) calendar days of:
 - Notification that the juvenile refuses to return voluntarily as prescribed in Rule 6-102, or
 - Notification to request that a court take into custody a juvenile that is allegedly located in their jurisdiction

Non-delinquent Return Process

- The parent/legal guardian or custodial agency must petition the court in the home/demanding state for a requisition
 - The petitioner may use Form A or other petition that states:
 - The juvenile's name and date of birth
 - Name of the petitioner and entitlement to the juvenile
 - The circumstances of his/her running away
 - His/her location if known
 - Other facts that show the juvenile is endangering his/her own welfare or others and is not an emancipated minor
 - The petition shall be verified by affidavit and executed in duplicate
 - Include two certified copies of documents that show entitlement to the juvenile

Non-delinquent Return Process (Continued)

- The home/demanding state's appropriate state authority begins the requisition process when:
 - The holding state's ICJ office notifies that a non-delinquent juvenile in custody refuses to voluntarily return; and
 - The parent/legal guardian is unable or refuses to initiate the requisition
- The judge in the home/demanding state determines if:
 - The petitioner is entitled to legal custody;
 - The juvenile ran away without consent;
 - The juvenile is an emancipated minor;
 - It is in the best interest of the juvenile to return
- When the judge in the home/demanding state determines that the juvenile should return, the judge signs the completed Form I in duplicate

Escapee, Absconder, or JCD Return Process

- The appropriate authority presents Form II to the court where the juvenile is allegedly located
- The requisition shall be verified by affidavit, signed in duplicate with two (2) certified copies of supporting documents that show entitlement to the juvenile for two complete, separate requisition packets

Escapee, Absconder, or JCD Return Process (Continued)

- The home/demanding state's ICJ office ensures the packets are in order
 - It retains one copy
 - It forwards two copies of the requisition packet to the ICJ office of the state where the juvenile is located
- The ICJ office of the state where the juvenile is located forwards one requisition packet and one copy of the certified supporting documents to the appropriate court
 - If not already detained, the court shall order the juvenile be held pending a hearing to determine if the requisition is in order

Hearings for Non-Voluntary Returns

- A hearing in the state where the juvenile is located occurs within thirty (30) calendar days of receipt of requisition
 - The juvenile may elect counsel or guardian ad litem
 - If the court finds the requisition in order, the judge orders the juvenile's return to the home/demanding state
 - If the judge denies the requisition, the judge shall issue written findings detailing the denial

Transporting Non-voluntary Returns

- In all cases, the holding court forwards the order concerning the requisition to the holding state's ICJ office
 - Ensure that your Compact Office forwards this order to the home/demanding state's ICJ office
- The home/demanding state returns the juveniles within five (5) business days of the receipt of the order granting the requisition
 - Requisitioned juveniles are accompanied in their return unless both ICJ offices determine otherwise
 - Both ICJ offices may agree upon an extension
- The officers of any compacting state are permitted to transport such juveniles through all member states without interference

Returning Juveniles Via Airlines

- Holding states are responsible for transporting juveniles to airports/public transportation centers
 - Home state arranges transportation plans
 - Holding state maintains security until departure
- When traveling by commercial airline carrier
 - The holding state ensures that juvenile has picture ID if available and/or a copy of applicable ICJ paperwork and/or due process documentation
 - Most airlines will refuse to fly a juvenile who arrives at the airport in shackles/handcuffs

Resources

www.JuvenileCompact.org



Interstate Commission for Juveniles

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Friday, April 16, 2010

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+ [2010 Annual Business Meeting Agenda](#) is posted
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www.michigan.gov/interstatecompact

Dale Murray, ICJ Coordinator

- MurrayD2@michigan.gov
- (517) 373-6918

Emergency Back-up Contact:

Wendy Odlum

- OdlumW@michigan.gov
- (517) 335-0224